

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL MEYERS, *et al.*,

Plaintiffs,

V.

BHI ENERGY SERVICES, LLC, *et al.*,

Defendants.

Lead Case No. 1:23-cv-12513-LTS

**JOINT STIPULATION TO AMEND STAY OF
CASE DEADLINES PENDING UPCOMING MEDIATION**

Plaintiffs Michael Meyers, Daniel Muske, Gary Kaplan, Kim Wever, Joshua Pyfrom, Richard Deschamps, Lashawntae Washington, and Ted Melton (collectively, “Plaintiffs”) and Defendants BHI Energy Services, LLC and BHI Energy I Specialty Services, LLC (collectively, “Defendants”) hereby agree and stipulate to amend the current stay of all case deadlines through a mediation rescheduled for June 13, 2024. In support of this Joint Stipulation, the parties state as follows:

1. On October 24, 2023, Plaintiff Richard Rose filed a Class Action Complaint against Defendants (the “*Rose Complaint*”). Doc. No. 1.
2. On October 26, 2023, Defendants were served with a Summons and copy of the *Rose Complaint*. Doc. No. 9.
3. Five substantially similar putative class action lawsuits were subsequently filed against Defendants in this District. *See Pyfrom v. BHI Energy Services, LLC, et al.*, No. 1:23-cv-12532-RWZ (D. Mass. filed Oct. 25, 2023); *Deschamps v. BHI Energy Services, LLC, et al.*, No. 1:23-cv-12555-RGS (D. Mass. filed Oct. 27, 2023); *Washington v. BHI Energy Services, LLC, et al.*, No. 1:23-cv-12577-LTS (D. Mass. filed Oct. 27, 2023); *Kaplan, et al. v. BHI Energy Services,*

LLC, et al., No. 1:23-cv-12589-LTS (D. Mass. filed Oct. 30, 2023); *Wever, et al. v. BHI Energy Services, LLC, et al.*, No. 1:23-cv-12626 (D. Mass. filed Oct. 31, 2023).

4. Following a motion by Plaintiffs, the Court consolidated the related actions, designated the *Rose* action as the “Lead Case,” and appointed Interim Class Counsel and Interim Liaison Counsel. Doc. No. 16.

5. Thereafter, the Court entered an Order setting an initial case schedule for the consolidated action, which provided deadlines for (a) Plaintiffs to file a Consolidated Class Action Complaint, (b) Defendants to respond to the Consolidated Class Action Complaint, and (c) for briefing on any motions to dismiss or similar motions filed by Defendants in response to the Consolidated Class Action Complaint. Doc. No. 23.

6. Pursuant to the case schedule, Plaintiffs filed a Consolidated Class Action Complaint on December 23, 2023. Doc. No. 24.

7. On January 29, 2024, Defendants filed a Motion to Dismiss Plaintiffs’ Consolidated Class Action Complaint (Doc. No. 26) and a Motion to Strike Class Action Allegations from Plaintiffs’ Consolidated Class Action Complaint (Doc. No. 29).

8. During the Local Rule 7.1(a)(2) meet and confer preceding the filing of Defendants’ motions, the parties discussed the possibility of settlement talks and the exchange of informal discovery to facilitate a potential early resolution of the case.

9. The parties originally scheduled an in-person formal mediation for May 7, 2024, which was to take place in Chicago, Illinois, before JAMS mediator, the Hon. Wayne R. Andersen.

10. On February 9, 2024, the parties filed a Joint Stipulation to Stay Case Deadlines Pending Upcoming Mediation, seeking to stay all case deadlines through the then-scheduled May 7, 2024, mediation. Doc. No. 31.

11. On February 12, 2024, the Court granted the parties' Joint Stipulation, stayed all case deadlines pending that May 7, 2024, mediation, and ordered the parties to file a joint status report and update on their mediation efforts by May 21, 2024. Doc. No. 32.

12. On February 14, 2024, Judge Andersen's office informed the parties that Judge Andersen was no longer available for an in-person mediation on May 7, 2024. Accordingly, the parties immediately conferred to discuss rescheduling their mediation.

13. The parties have now scheduled an in-person formal mediation for June 13, 2024, which is to take place in Philadelphia, Pennsylvania, with mediator Bennett G. Picker, Esq., of the law firm Stradley Ronon Stevens & Young, LLP.

14. To conserve the resources of the Court and the parties, the parties agree and jointly request that the stay of all case deadlines, including Plaintiffs' right to amend their complaint, be extended to allow time for the parties to exchange information and participate in the June 13, 2024, mediation session.

15. Because cases of this complexity often are not resolved within a single day of mediation, the parties agree and jointly propose that the case be stayed pending their submission of a joint report on the status of their mediation efforts, to be submitted by June 27, 2024, 14 days after the mediation takes place.

16. In the event the mediation is unsuccessful in resolving the consolidated actions, the parties agree to submit a proposed case schedule with their June 27, 2024 joint status report, which will set forth relevant deadlines, including deadlines to complete briefing on Defendants' Motion to Dismiss (Doc. No. 26) and Motion to Strike Class Action Allegations (Doc. No. 29) (*i.e.*, for Plaintiffs to file responses in opposition to the motions and for Defendants to file replies in support of the motions) and/or, as applicable, deadlines for Plaintiffs to file an Amended Consolidated

Class Action Complaint and for Defendants to respond to any such Amended Consolidated Class Action Complaint.

17. **WHEREFORE**, the parties respectfully request that the Court endorse and approve this Joint Stipulation by extending the stay of all litigation deadlines through June 27, 2024, and entering the following schedule:

- (a) All deadlines currently pending in these Consolidated Actions shall be stayed pending the parties' scheduled mediation;
- (b) The parties shall file a joint status report and update on their mediation efforts by June 27, 2024; and
- (c) In the event the mediation is unsuccessful in resolving the claims, the parties shall submit an agreed-upon proposed case schedule, which shall include deadlines: (1) for the completion of the briefing on Defendants' Motion to Dismiss the Consolidated Class Action Complaint and Motion to Strike Class Allegations from Plaintiffs' Consolidated Class Action Complaint; and/or, if applicable, (2) for Plaintiffs to file an Amended Consolidated Class Action Complaint and for Defendants' to respond to any such Amended Consolidated Class Action Complaint.

SO ORDERED:

Dated: _____

Hon. Leo T. Sorokin
United States District Judge

Respectfully submitted,

PLAINTIFFS,

By their attorneys,

/s/ A. Brooke Murphy

A. Brooke Murphy (admitted *pro hac vice*)
MURPHY LAW FIRM
4116 Will Rogers Pkwy, Suite 700
Oklahoma City, OK 73108
Telephone: (405) 389-4989
abm@murphylegalfirm.com

FEDERMAN & SHERWOOD

William B. Federman (admitted *pro hac vice*)
10205 N. Pennsylvania Ave.
Oklahoma City, OK 73120
Telephone: (405) 235-1560
wbf@federmanlaw.com

Interim Class Counsel

Robert E. Mazow
BBO# 567507
MAZOW | MCCULLOUGH, PC
10 Derby Square, 4th Fl.
Salem, MA 01970
rem@helpinginjured.com
T: (978) 744-8000

Interim Liaison Class Counsel

Kevin Laukaitis (admitted *pro hac vice*)
LAUKAITIS LAW LLC
954 Avenida Ponce De Leon
Suite 205, #10518
San Juan, PR 00907
T: (215) 789-4462
klaukaitis@laukaitislaw.com
Attorney for Plaintiff Rose

Respectfully submitted,

BHI ENERGY SERVICES, LLC and
BHI ENERGY I SPECIALTY SERVICES,
LLC

By their attorneys,

/s/ Robert W. Sparkes, III

Robert W. Sparkes, III (BBO# 663626)
K&L GATES LLP
1 Congress Street, Suite 2900
Boston, MA 02114-2023
Tel: (617) 261-3100
Fax: (617) 261-3175
Email: robert.sparkes@klgates.com

Michael J. Stortz (admitted *pro hac vice*)
K&L GATES LLP
Four Embarcadero Center, Suite 1200
San Francisco, CA 94111
Tel: (415) 882-8200
Fax: (415) 882-8220
Email: michael.stortz@klgates.com

Wesley A. Prichard (admitted *pro hac vice*)
K&L GATES LLP
K&L Gates Center
210 Sixth Avenue
Pittsburgh, PA 15222
Tel: (412) 355-8969
Fax: (412) 355-6501
Email: wesley.prichard@klgates.com

Terence R. Coates*

Justin C. Walker*

**MARKOVITS, STOCK & DEMARCO,
LLC**

119 East Court Street, Suite 530

Cincinnati, OH 45202

Phone: (513) 651-3700

Fax: (513) 665-0219

tcoates@msdlegal.com

jwalker@msdlegal.com

Attorneys for Plaintiff Deschamps

Daniel Srourian, Esq.*

SROURIAN LAW FIRM, P.C.

3435 Wilshire Blvd. Suite 1710

Los Angeles, California 90010

Telephone: (213) 474-3800

Facsimile: (213) 471-4160

Email: daniel@slfla.com

Attorney for Plaintiff Washington

Mason A. Barney*

Tyler J. Bean*

SIRI & GLIMSTAD LLP

745 Fifth Avenue, Suite 500

New York, New York 10151

Tel: (212) 532-1091

E: mbarney@sirillp.com

E: tbean@sirillp.com

Attorneys for Plaintiffs Kaplan and Johns

David K. Lietz*

MILBERG COLEMAN BRYSON

PHILLIPS GROSSMAN, PLLC

5335 Wisconsin Avenue NW

Washington, D.C. 20015-2052

Telephone: (866) 252-0878

Facsimile: (202) 686-2877

dlietz@milberg.com

Attorney for Plaintiffs Wever and Melton

** pro hac vice application forthcoming*

LOCAL RULE 7.1(a)(2) CERTIFICATION

The undersigned hereby certifies that counsel for the Parties have conferred regarding the issues presented in this joint stipulation and all Parties have assented to the relief requested herein.

/s/ Robert W. Sparkes, III

Robert W. Sparkes, III

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on February 21, 2024.

/s/ Robert W. Sparkes, III

Robert W. Sparkes, III